

Remarks

The Rejection of Claims 1-6 and 9-11 Under 35 U.S.C. §102

The Office Action rejected Claims 1-6 and 9-11 under 35 U.S.C. §102(b) as being anticipated by Welp et al. (USPN 5,518,199). The specific basis for this rejection appears to be “Fig. 1.” Applicants respectfully traverse the rejection.

Anticipation requires that all of the elements of the claim be taught within the four corners of a single reference.

The Examiner’s definition of “secured” is untenable

The Examiner states that base plate 11 (actually slide 11 in Welp) is secured to the floor via member (traverse in Welp) 9 and the framework of the machine. Following the logic of the Examiner’s definition, the only items that are not connected to a floor are suspended above the floor, for example, suspended in midair by magnetic force, compressed air etc. In fact, the Examiner’s definition could even cover these cases, since the definition would consider the compressed air or the magnetic field as a connecting link. Further, Claim 1 does not recite any limitations, such as “indirectly secured to a floor” that would obviate the plain meaning of “secured to a floor,” as shown in Figure 1 of the application. That is, the item secured to the floor is in contact with the floor and fastened to the floor. The upshot is that the word “secured” would have no meaning in the art or in patent law if the Examiner’s definition were accepted.

Welp does not disclose a base plate operatively arranged to be secured to a floor

Welp does not disclose the Claim 1 element of: “a base plate operatively arranged to be secured to a floor.” The Examiner has identified slide 11 of Welp, as shown in Figure 1, as corresponding to the base plate recited in Claim 1. In Figure 1, Applicants submit that the cross-hatched area in Figure 1 represents the floor. Further, in Figure 1, slide 11 is clearly not arranged to be secured to the floor. There is an obvious gap between traverse 9 (upon which slide 11 is shown) and the floor.

Welp teaches a movable base plate

“The input and output sides of the machine are provided outside the winding region with respective *raisable and lowerable* (emphasis added) traverses 9 and 10 which extend along the entire working length. Slides 11 and 12 are *displaceable transverse* (emphasis added) to the web-travel direction on the traverses 9 and 10 and have pivotal arms 13 and 14 each provided with a pair of pusher rollers 15.” (col. 3, lines 9-15). Welp teaches that slide 11 is on a movable traverse 9.

Welp does not teach all the elements of Claim 1. Therefore, Welp does not anticipate Claim 1. Claims 2-6 and 9-11, dependent from Claim 1, enjoy the same distinction from the cited reference. Applicants request that the rejection be withdrawn.

The Rejection of Claims 7, 8, and 12 Under 35 U.S.C. §103

The Office Action rejected Claims 7, 8, and 12 under 35 U.S.C. §103(a) as being unpatentable over Welp et al. (USPN 5,518,199). Applicants respectfully traverse the rejection.

Welp teaches against a base plate operatively arranged to be secured to a floor

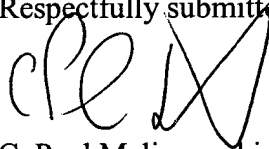
Claim 1 is novel with respect to Welp as shown above. Further, Claim 1 is non-obvious with respect to Claim 1. Welp does not disclose the Claim 1 element of: “a base plate operatively arranged to be secured to a floor.” Welp also does not suggest or motivate the preceding claim element, since Welp clearly teaches that the base plate is mounted on a moveable traverse that is not connected to the floor. In fact, Welp very clearly teaches against a base secured to a floor. Thus, Claim 1 is nonobvious under 35 U.S.C. § 103.

“If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious.” *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Claims 7, 8, and 12 depend from Claim 1. Therefore Claims 7, 8, and 12 are patentable over Welp. Applicants request that the rejection be removed.

Conclusion

The foregoing is submitted as a full and complete response to the Office Action. Applicants respectfully submit that the present application is now in condition for Issue, which action is courteously requested. The Examiner is invited and encouraged to contact the undersigned attorney of record if such contact will facilitate an efficient examination and allowance of the application.

Respectfully submitted,



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